

Docket No.: 42390.P11434

### REMARKS

The Applicant elected Group I in response to the Restriction Requirement. Claims 21-22 have been canceled herein without prejudice to their reinstatement in a continuing application. Claims 1-4 and 12-20 are pending and presented for examination.

### Specification

The Applicant will cooperate in correcting any minor errors found in the specification.

### **35 U.S.C. § 102 Rejection**

*Yoon et al. (EP 0413903A1)*

*Komatsu (US 5,334,551)*

The Examiner rejected claims 1-4, 12, and 15-22 under 35 USC § 102(b) as being anticipated by Yoon et al. (EP 0413903A1). The Examiner also rejected claims 1 and 12 under 35 USC § 102(b) as being anticipated by Komatsu (US 5,334,551).

The Applicant has amended independent claims 1 and 12 to recite that the electrodes are formed on a substrate "*in a plane that is substantially parallel to a plane of the substrate*" and "*wherein the waveguide is formed in the plane of the two electrodes that is substantially parallel to a plane of the substrate*". The forming of the electrodes and the waveguide in such a fashion is not taught by either Yoon or Komatsu. Therefore neither Yoon nor Komatsu anticipates independent claims 1 and 12 and their respective dependent claims as amended herein. Support for the amendments may be found at least in FIGS. 1A through 1I of the Applicants specification. No new matter has been added. It is therefore believed that the rejection should be withdrawn.

### **35 U.S.C. § 103 Rejection**

*Komatsu (US 5,334,551) v. Jain et al. (6,221,565)*

The Examiner rejected claims 13-14 under 35 USC § 103(a) as being unpatentable over Komatsu in view of Jain (6,221,565).

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Komatsu and Jain do not teach the invention as claimed in independent claim 12 as amended herein, alone or in combination, and as discussed with respect to the § 102 rejection, above. It is therefore believed that the § 103 rejection should be withdrawn.

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### Conclusion

In light of the foregoing, reconsideration and allowance of the claims is hereby earnestly requested.

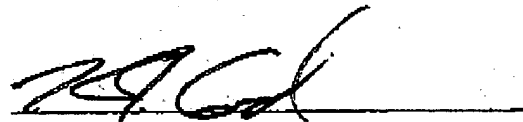
### Invitation for a Telephone Interview

The Examiner is invited to call the undersigned attorney, Kenneth J. Cool, at (408) 850-1229 if there remains any issue with allowance.

Respectfully submitted,

INTEL CORPORATION

Date: 5-18-04



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